

June 27, 2002

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

	Item	Page	-2002	(Comm. 13E-30)
a.	<b>COUNTY EXECUTIVE:</b> ECSD No. 4 – Engineering Service Agreements. (5-0)			

	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 1E-27)
2.	<b>COUNTY EXECUTIVE</b>			
(A)				
RESOLUTION NO. __-2002				

BOND RESOLUTION DATED \_\_\_\_\_, 2002

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,500,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 3 TO SAID COUNTY.

(Introduced) June 27, 2002  
(Adopted) \_\_\_\_\_, 2002

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated \_\_\_\_\_, 2002, an increase and improvement of facilities for Sewer District No. 3 has been approved at a estimated maximum cost of \$1,500,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of

other laws applicable thereto, \$1,500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 3, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on February 27, 2002 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,500,000. The plan of financing includes the issuance of \$1,500,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against the benefitted areas in Erie County Sewer District No. 3.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$1,500,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$1,500,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the

County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

(B)

RESOLUTION NO. \_\_-2002

BOND RESOLUTION DATED \_\_\_\_\_, 2002

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 2 TO SAID COUNTY.

(Introduced) June 27, 2002

(Adopted) \_\_\_\_\_, 2002

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated \_\_\_\_\_, 2002, an increase and improvement of facilities for Sewer District No. 2 has been approved at a estimated maximum cost of \$3,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW  
THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$3,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 2, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on February 14, 2002 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,000,000. The plan of financing includes the issuance of \$3,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against the benefitted areas in Erie County Sewer District No. 2.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$3,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty ( 40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$3,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

**AS AMENDED**

3.	Item	Page	-2002	(Comm. 12E-15)
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**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Bluffs Subtrunk Project, Contract No. 34EV, on June 20, 2002,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 34EV	Sicar, Inc 1128 Jamison Road Elma, New York 14059	\$371,108.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Bluffs Subtrunk Project, Contract No. 34EV, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 34EV	Sicar, Inc 1128 Jamison Road Elma, New York 14059	\$371,108.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$371,108.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 533, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney, and Joseph Passafiume Director of Budget, Management and Finance.  
(5-0)

4. Item Page -2002 (Comm. 13E-16)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Water Authority is requesting the County of Erie to grant to the Erie County Water Authority a right of way and permanent easement on the above County owned parcel of land at 201 Two Mile Creek Road in the City of Tonawanda, and

WHEREAS, the Erie County Water Authority is working with DiDonato Associates to install a new water main along Two Mile Creek Road in the City of Tonawanda, and

WHEREAS, the installation of this new water main is intended to connect the Erie County Water Authority water system to the City of Tonawanda storage tank at Veterans Memorial Park, it has been determined that the above property will have to be crossed to accomplish this goal, and

WHEREAS, it is necessary that this approval be granted to allow this Right of Way and Easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this Right of Way and Easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One and 00/100 Dollars (\$1.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right of way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities on the subject property, and

WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property, and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld, and

WHEREAS, the party of the first part hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the right of way and easement conveyed herein, and

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to the Erie County Water Authority in consideration of the sum of One and 00/100 Dollar (\$ 1.00) a Permanent Right of Way and Easement on the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Tonawanda, County of Erie, State of New York, being part of Farmlot 90, Township 12, Range 8 under Map Cover 42 as filed in the Erie County Clerk's Office and more particularly described as being part of Tax Map 52.06, Block 2, Lot 1, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Department.

(5-0)

5. Item Page -2002 (Comm. 13E-24)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of renting an additional portable bathroom facility for the Elma Meadows Golf Course due to the acreage of the course and public demand, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry is in need of renting additional water coolers for public use as we must provide sufficient drinking water to meet New York State health requirements at Emery Park.

NOW, THEREFORE, BE IT

RESOLVED, that within the budget of the Division of Parks the amount of \$2,300 be transferred to *Rental Charges*, account 110942640822, from *Other Expenses*, account 110942640826, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

6. Item Page -2002 (Comm. 13E-25)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (AAA) grant for the period January 1, 2002 to December 31, 2002, administered by the Department of Senior Services (Senior Services), and for the County Golf Courses Sponsorship Improvements grant, administered by the Department of Parks and Recreation (Parks), and

WHEREAS, the two Departments have agreed upon the interdepartmental use of Senior Services' digital ID system for both the Senior Complimentary Card program and for the Parks County Golf Passes program, and

WHEREAS, Parks will reimburse Senior Services quarterly on a per card basis pursuant to established County interdepartmental billing procedures, and

WHEREAS, the County budgets for these grants are in need of revision, and

WHEREAS, additional County funds are not required.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the AAA grant, Project 649, be revised as follows:



		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
APPROPRIATIONS				
Account	Description			
810	Office Supplies	\$8,250	\$2,250	\$10,500
883	Interdepartmental Billings	0	-\$8,250	-8,250
933	Lab & Tech Equipment	10,200	6,000	16,200
	TOTAL CHANGE		<u>\$0</u>	

and be it further

**RESOLVED**, that the budget for the Golf Courses Improvement grant, Project 555, be revised as follows:

		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
APPROPRIATIONS				
Account	Description			
816	Maintenance Supplies	\$48,925	-\$8,250	\$40,675
882/6309	Interdepartmental Billing Expense	0	8,250	\$8,250
	TOTAL CHANGE		<u>\$0</u>	

and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney, the Department of Parks, Recreation and Forestry and the Department of Senior Services.

(5-0)

7. Item Page -2002 (Comm. 13E-31)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 6 needs to replace the storm sewer under Burke Drive in the City of Lackawanna; and

WHEREAS, the City of Lackawanna has proposed rebuilding Burke Drive in 2002; and

WHEREAS, both the City and the Sewer District desire to consolidate their construction projects to alleviate inconvenience to the public, reduce costs and minimize coordination problems during construction.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of combining the reconstruction of Burke Drive and rebuilding the storm sewer under Burke Drive into one construction contract is approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$75,000.00 from Sewer Capital Erie County Sewer District No. 6 Fund No. 430, Project No. 914; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

(5-0)

8. Item Page -2002 (Comm. 13E-32)

**COUNTY EXECUTIVE**

WHEREAS, on May 18, 2000, the New York State Department of Environmental Conservation (NYSDEC) awarded the Department of Environment and Planning (DEP) a grant to establish the Erie County Solid Waste Reduction and Recycling Project; and

WHEREAS, through Legislative resolution (Comm. 15E-15) dated July 13, 2000, the DEP accepted the State Grant-in-Aid to develop the Project; and

WHEREAS, through Legislative resolution (Comm. 25E-23) dated November 29, 2001, a revised budget was established for the Project; and

WHEREAS, the Great Lakes Basin Program (GLBP) has provided \$18,000 to the DEP to assist Erie County municipalities to meet the public education/participation requirements of recently enacted U. S. Environmental Protection Agency Phase II Storm Water Regulations; and

WHEREAS, the Northeast States for Coordinated Air Use Management (NESCAUM) has provided \$7,000 in funding to the DEP to coordinate Buffalo Public School participation in Project AIR.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$18,000 from GLBP to assist Erie County municipalities to meet the

public education/participation requirements of recently enacted U. S. Environmental Protection Agency Phase II Storm Water Regulations, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$7,000 from NESCAUM to coordinate Buffalo Public School participation in Project AIR, and be it further

RESOLVED, that the existing grant budget for the Solid Waste Reduction and Recycling Project (SFG #394) is hereby revised to include the new grant resources as follows:

**REVENUES:**

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
553	State Aid	\$160,530	0	\$160,530
686-6201	Interfund Revenue-Community Development	25,285	0	25,285
686-6200	Interfund Revenue-Environment and Planning	178,500	0	178,500
641	Federal Aid	33,200	0	33,200
360	Other Local Source	20,000	0	20,000
GLBP	Grant Funding	0	\$18,000	18,000
NESCAUM	Grant Funding	0	7,000	7,000
<b>Total Revenues</b>		<b>\$417,515</b>	<b>\$25,000</b>	<b>\$442,515</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$149,047.00	\$9,850	\$158,897.00
805	Fringe Benefits	39,385.00	2,350	41,735.00
810	Office Supplies	0	1,800	1,800.00
824	Local Travel and Mileage	600.00	0	600.00
825	Out of Area Travel	1,700.00	0	1,700.00
826	Other	20,973.84	9,500	30,473.84
830	Contractual Services	205,809.16	1,500	207,309.16
<b>Total Appropriations</b>		<b>\$417,515.00</b>	<b>\$25,000</b>	<b>\$442,515.00</b>

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy

Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

9. Item Page -2002 (Comm. 13E-33)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Parsons Engineering Science, Inc. to analyze peak wet weather flows and assess the sanitary sewer system in part of Erie County Sewer District No.1; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated December 16, 1999 with Parsons Engineering Science, Inc. in the amount of \$305,904.25.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated December 16, 1999 between the County of Erie/Erie County Sewer District No.1 and Parsons Engineering Science, Inc. be formally closed-out in the final amount of \$305,904.25; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrances in Erie Sewer District No.1 Capital Account, Fund No.430, Project No.694 relating to the A/E Agreement dated December 16, 1999, with Parsons Engineering Science, Inc. and return any unused contract encumbrances to unallocated; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy to each James Liddle, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(5-0)

10. Item Page -2002 (Comm. 13E-34)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 2 developed a plan to provide sewer service to the Town of Evans in the 1960's; and

WHEREAS, Erie County Sewer District No. 2 had previously constructed portions of the sewers planned to service the Town of Evans; and

WHEREAS, Erie County Sewer District No. 2 had previously built a substantial portion of the sewer system through Bennett Beach Park; and

WHEREAS, Erie County Sewer District No. 2 has requested to reconstruct a portion of their sewer system in Bennett Beach Park; and

WHEREAS, it is proposed to build the new pumping station within the old right-of-way of the Old Lake Shore Road which has never been officially abandoned by this Honorable Body; and

WHEREAS, the County's Advisory Review Committee (ARC), and the Departments of Environment and Planning, and Parks and Recreation have approved the project; and

WHEREAS, the project has been reviewed under the Erie County Parks Protection Law and found to be in compliance with it.

NOW, THEREFORE, BE IT

RESOLVED, that a Revocable Permit to construct a sewage pumping station in Bennett Beach Park for Erie County Sewer District No. 2 is hereby approved; and be it further

RESOLVED, that a Temporary Work Permit also be approved to construct a sewage pumping station, subject to the approval of the construction design plans by the Commissioners of Parks, Recreation and Forestry and Environment and Planning; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute said amended Revocable Permit and Temporary Work Permit, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Lawrence Jasinski, Commissioner, Parks, Recreation and Forestry, Gregory J. Dudek, Assistant County Attorney, Nancy Naples Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0)

11. Item Page -2002 (Comm. 13E-41)

**COUNTY EXECUTIVE**

WHEREAS, in Comm. No. 12E-20 [c], dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, including assigning the Central Library to Seimens Building Technologies, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, reasonable Energy Conservation Measures were found during the preliminary energy audit and a construction program is proposed, and

WHEREAS, the cost of the construction to implement the Energy Conservation Measures is estimated at approximately \$1,025,000 with energy savings estimated at an average of almost \$125,000 per year over the ten-year program and other associated savings and incentives total nearly \$50,000 per year over the program period, and

WHEREAS, the Commissioner of the Department of Public Works recommends acceptance of the program and the construction be implemented,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, to perform the Energy Conservation Measures Program derived from their preliminary energy audit work, and be it further,

RESOLVED, that this authorization is contingent upon funds being made available, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management & Finance and the Office of the Comptroller.

(5-0)

**JOHN W. GREENAN**  
**CHAIRMAN**